

REMARKS

About the Amendment

Claims 3-7 have been amended to render them dependent from claim 14 and to recite a single disclosed member of the Markush group of claim 14.

“Biologically pure” has replaced “isolated” to clarify the intended meaning. This amendment does not narrow the claims.

Syntax of claims 10, 11, and 14 has been corrected.

Claims 8, 12, and 18 have been amended to recite just one of two alternatives.

Claim 15 has been amended to use proper Markush language.

New claims 19 and 20 recite *in vitro* cultures of the *Lactobacillus* of the invention. These are supported at page 24, lines 5-10, and page 32, lines 10-15.

New claims 21 recites one of the two alternatives of original claim 18.

Rejection of Claims 1-18 Under 35 U.S.C. § 112, first paragraph

The claims are rejected because it is not disclosed in the specification if the microorganism recited in claim 1 is readily available to the public. Applicants submit herewith a declaration regarding the deposit which was made under the provision of the Budapest Treaty. According to the declaration, public access will be granted upon issuance of the subject application as a patent.

The specification is amended in this paper to provide the depository's address. The specification already contains:

- a deposit date (page 6, lines 11-12)
- depository name (page 6, lines 10-11)
- strain description (page 6, lines 23- to page 20)
- accession number (page 6, line 11)

Withdrawal of this rejection is respectfully requested.

Rejection of Claims 1-18 Under 35 U.S.C. § 112, first paragraph

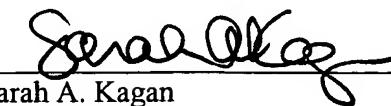
The recitation in claim 1 of “isolated” is allegedly unclear. This term has been changed to “biologically pure” as suggested by the examiner.

Allowance of all pending claims is respectfully requested.

Respectfully Submitted,

Dated: March 14, 2005

By:


Sarah A. Kagan
Reg. No. 32,141

Banner & Witcoff, Ltd.
Customer No. 22907